



Albemarle Corporation

451 Florida Street

Baton Rouge, Louisiana 70801-1765

Telephone: 225-388-8011

Facsimile: 225-388-7686

December 15, 2009

Lisa P. Jackson, Administrator  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW (1101A)  
Washington, DC 20460

Re: EPA-Industry DecaBDE Phase-Out Initiative

Dear Administrator Jackson:

This letter confirms our commitment to phase out production of decabromodiphenyl ether (decaBDE) in the United States no later than December 2012, as part of the EPA-Industry DecaBDE Phase-Out Initiative that has resulted from recent discussions between the major manufacturers and importers of decaBDE and EPA staff.

### **Schedule**

We intend to meet this commitment by phasing out sales over the next three years according to the following schedule:

December 31, 2010      Electrical and electronic equipment (except as used in transportation equipment)

December 31, 2012      All other uses except transportation and military uses, as noted below.

Some customers may transition to alternative materials that we have developed ahead of the schedule set forth above. At the same time, we are aware that qualifying new materials is a complicated exercise that takes time. If we identify specific uses that may require more time, we will notify EPA. Similarly, if we identify uses that cannot be replaced, we will notify EPA. We are not aware of any such uses at this time.

### **Transportation and Military Uses**

Transportation (e.g., automobiles, airplanes, certain warehousing and shipping equipment) and military uses may require an additional year to complete the phase out. This is primarily because of the complexity of these uses (cars and planes have a very large number of parts that rely on flame retardant chemistry) and lead times for qualifying new materials. We are committing to phase out of these uses on or before December 31, 2013.

## **Annual Reporting**

We will submit an annual progress report to EPA comparing our total US production and sales figures for the previous year to a 2008 baseline. We will provide confidential and non-confidential versions of those reports and comply with Confidential Business Information (CBI) handling procedures under the Toxic Substances Control Act (TSCA). The first reports will be submitted in 2011 and will provide information on 2010 production and sales. This reporting is intended to demonstrate reasonable progress each year toward our goal of achieving a complete phase out by the end of 2013.

## **Unsold Inventory**

While we intend to cease production of decaBDE for most uses as of the end of 2012, it is possible that we will have some unsold inventory on hand when production is stopped. We would expect to sell any such remaining inventory within the first six months after the end of the production phase out period. If we require more time, we will notify EPA. We do not intend to stockpile product either before or during the initiative, but we want to make clear that we may need to sell out ordinary inventory beyond the commitment period.

## **Resale of Products and Use of Recycled Materials**

The voluntary phase out of decaBDE will not affect sale/resale/reuse/disposal/continued use of finished products made with pre-phase out deca-BDE, the recycling of products that contain decaBDE, or the sale of any products made from recycled materials. We understand EPA may take regulatory action to address import of articles that contain deca-BDE to coincide with the end of the phase-out period.

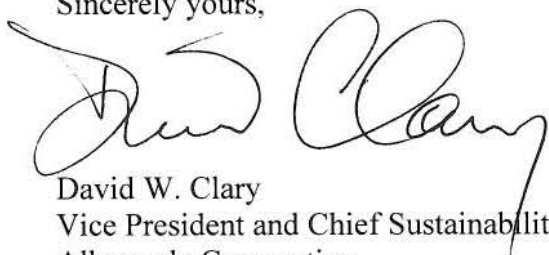
## **Conclusion**

We have issued a public statement announcing our plans to phase out decaBDE as well as the availability of alternative materials. We are committed to this voluntary phase out. At the same time, we wish to reaffirm our belief in the safety of decaBDE. DecaBDE has been used as an effective flame retardant for more than 30 years, and we believe its use has saved many hundreds of lives.

We understand that this letter and our non-confidential progress reports will be posted on EPA's web site, along with our final letter confirming that all production of decaBDE in the US has been discontinued.

Thank you.

Sincerely yours,

A handwritten signature in black ink, appearing to read "David W. Clary", is written over the typed name and title.

David W. Clary  
Vice President and Chief Sustainability Officer  
Albemarle Corporation